

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 682 - HB 875

February 27, 2019

SUMMARY OF BILL: Establishes burden of proof which must be provided in order for a property owner to prove a lien invalid due to a malicious intent. Authorizes property owners who prove a lien invalid, in certain circumstances, to receive certain damages, instead of requiring the court to award such damages.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Any damages awarded will occur between private parties.
- The proposed legislation is not estimated to result in a significant change in the number of liens challenged; therefore, any fiscal impact to state and local government is estimated to be not significant.

IMPACT TO COMMERCE:

NOT SIGNIFICANT

Assumptions:

- Pursuant to Tenn. Code Ann. § 66-21-108(b), real property owners are not able to recover damages on liens based on a loan agreement for which the encumbered property was listed as collateral.
- The proposed legislation will further limit the instances in which damages could be awarded a property owner.
- The proposed legislation will not result in any significant impact to jobs or commerce in Tennessee.

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CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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